

**ANALYSIS OF CONSTITUTIONAL COURT DECISION TO JUDICIAL REVIEW  
THREE ON THE LAW OF JUSTICE IN 2009  
(Review of Recruitment Principles of Justice and Its Implications)**

By:

Muhammad Ridwansyah<sup>1</sup>, Joko Setiono<sup>2</sup>

**ABSTRACT**

This study aimed to identify and analyze reviews principle of recruitment of judges in consideration of the Constitutional Court Number 43 / PUU-XIII / 2015 and analysis of the implementation of admission judge selection system based on the principle of recruitment of judges after the decision of the Constitutional Court.

Type in this research is a normative legal research. The type of data in this study using secondary data, using the technique of study documents. Data were analyzed qualitatively in accordance with problem based on the existing theoretical framework.

Based on the results of research in the discussion, it was concluded: **First**, review the principle of recruitment of judges in consideration of the Constitutional Court Number 43 / PUU-XIII / 2015 accordance with the principle of recruitment of judges. In this case the Court based that judgment is only focused on putting the whole court so that culminates in the Supreme Court, the putting the Supreme Court interpreted by the Court only just right to make the selection process of recruitment of judges. **Second**, the implementation of the system of admission selection of judges based on the principle of recruitment of judges after the decision was dramatically changed because Article phrase "with the Judicial Commission" abolished by the Constitutional Court, so that the Supreme Court issued the Supreme Court Regulation No. 6 of 2016 on the Establishment and Designation Supplies and Procurement of Justice, these regulations clearly the MA fully recruit judges without interference KY.

**Keywords:** The Constitutional Court, Judicial Review, Judge Recruitment Principles

---

<sup>1</sup> Graduate Program Student, Magister of Law, Gadjah Mada University, Yogyakarta.

<sup>2</sup> Faculty Member, Faculty of Law, Gadjah Mada University, Yogyakarta.

**ANALISIS PUTUSAN MAHKAMAH KONSTITUSI ATAS *JUDICIAL REVIEW*  
TERHADAP TIGA UNDANG-UNDANG BIDANG PERADILAN TAHUN 2009  
(Tinjauan Prinsip Rekrutmen Hakim dan Implikasinya)**

Oleh:

Muhammad Ridwansyah,<sup>1</sup> Joko Setiono<sup>2</sup>

**INTISARI**

Penelitian ini bertujuan untuk mengidentifikasi dan menganalisis tinjauan prinsip rekrutmen hakim dalam pertimbangan putusan Mahkamah Konstitusi Nomor 43/PUU-XIII/2015 dan menganalisis pelaksanaan sistem seleksi penerimaan hakim berdasarkan prinsip rekrutmen hakim pasca putusan Mahkamah Konstitusi tersebut.

Jenis penelitian dalam penelitian ini adalah penelitian hukum normatif. Jenis data dalam penelitian ini menggunakan data sekunder, menggunakan teknik studi dokumen. Data penelitian dianalisis secara kualitatif sesuai dengan permasalahan berdasarkan kerangka teori yang ada.

Berdasarkan hasil penelitian dalam pembahasan, disimpulkan: **Pertama**, tinjauan prinsip rekrutmen hakim dalam pertimbangan putusan Mahkamah Konstitusi Nomor 43/PUU-XIII/2015 tidak sesuai dengan prinsip rekrutmen hakim. Dalam hal ini, MK mendasarkan bahwa pertimbangan tersebut hanya tertuju pada penyatuatan seluruh peradilan sehingga berpuncak pada Mahkamah Agung, penyatuatan tersebut dimaknai oleh MK hanya MA saja berhak melakukan proses seleksi rekrutmen hakim. **Kedua**, pelaksanaan sistem seleksi penerimaan hakim berdasarkan prinsip rekrutmen hakim pasca putusan tersebut berubah drastis karena pasal frasa “bersama Komisi Yudisial” dihapuskan oleh MK, sehingga MA mengeluarkan Peraturan Mahkamah Agung Nomor 6 Tahun 2016 tentang Penyusunan dan Penetapan Kebutuhan serta Pengadaan Hakim, peraturan tersebut secara jelas menjadikan MA sepenuhnya melakukan rekrutmen hakim tanpa campur tangan KY.

**Kata Kunci:** Mahkamah Konstitusi, *Judicial Review*, Prinsip Rekrutmen Hakim

---

<sup>1</sup> Mahasiswa Magister Hukum Kenegaraan, Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

<sup>2</sup> Dosen Hukum Tata Negara, Fakultas Hukum, Universitas Gadjah Mada, Yogyakarta.